

Exhibit 5

Meeting of the Commissioners - Elections
November 9, 2020

Exhibit 5

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BOARD OF ELECTIONS
MEETING OF COMMISSIONERS

- - -

HELD ON: November 9, 2020

COMMISSIONERS: LISA M. DEELEY
AL SCHMIDT
OMAR SABIR

REPORTED BY: Angela M. King, RPR
(Via Zoom telephone)

- - -

STREHLOW & ASSOCIATES, INC.
FULL SERVICE COURT REPORTING AGENCY
54 FRIENDS LANE, SUITE 116
NEWTOWN, PENNSYLVANIA 18940
(215) 504-4622 FAX(215)504-7155
WWW.STREHLOWCOURTREPORTING.COM

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Exhibit A

Case ID: 201100878
Control No.: 20110899

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1 (At this time, the proceedings commenced
2 at approximately 9:00 a.m.)

3 - - -

4 COMMISSIONER DEELEY: This is
5 November 9, 2020.

6 First, I have an announcement, the
7 Philadelphia City Commissioners met
8 virtually in Executive Session on Friday,
9 November 6, 2020 to meet with the Council
10 in order to discuss ongoing litigation
11 regarding the election.

12 We will now move to Public
13 Comments. Commenters shall state where
14 they live. Or if they are not a resident
15 in Philadelphia, that they are a
16 Philadelphia approximate. Public Comments
17 is not an opportunity for dialogue or Q and
18 A. It is Public Comments, a chance for you
19 to tell us what you think.

20 Each speaker shall have two
21 minutes. However, I may extend this time
22 at my discretion. All Public Comments must
23 be relevant or germane towards business.

24 Finally, it is my responsibility to

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1 preserve order and decorum of the meeting.
2 As such, profane, slanderous,
3 discriminatory or personal attacks will not
4 be tolerated.

5 Anyone wishing to offer Public
6 Comments, please, step forward.

7 Step forward.

8 MS. KERNS: My name is Linda Kerns.
9 I represent Donald Trump -- (audio fades
10 out.)

11 THE STENOGRAPHER: I can't hear at
12 all.

13 COMMISSIONER DEELEY: Wait, one
14 second.

15 THE CLERK: I'm going to go over to
16 the speaker so you can hear better.

17 THE STENOGRAPHER: Please.

18 Thank you.

19 COMMISSIONER DEELEY: Ms. Kerns,
20 can you please repeat your comment.

21 MS. KERNS: Sure. My name is Linda
22 Kerns. I represent Donald Trump. I just
23 needed to know the name of the court
24 reporter. I asked Mr. Bluestein. And he

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1 told me to direct my questions to you.

2 COMMISSIONER DEELEY: Thank you.

3 We will give you that information
4 after the meeting.

5 We will now hear a report from
6 Supervisor of Elections, Mr. Garrett Dietz.

7 MR. DIETZ: Good morning,
8 Commissioners.

9 COMMISSIONER DEELEY: Good morning,
10 Garrett.

11 COMMISSIONER SCHMIDT: Good
12 morning, Garrett.

13 MR. DIETZ: Before I get into the
14 ballots that I performed a secondary review
15 on, I just want to note that per the court
16 order from Election Day, we have confirmed
17 that Verna Phillips of Ward 36 Division 15,
18 did not submit a valid ballot.

19 THE STENOGRAPHER: Can you, please,
20 move closer to the speakers. I'm having a
21 hard time hearing.

22 THE CLERK: Okay. I'll put it
23 right up to the speaker.

24 MR. DIETZ: Now I will go through

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1 the various categories per my second level
2 review.

3 The first category is ballots with
4 a blank Declaration Envelope where it does
5 not appear that the voter attempted to
6 complete any of the information including
7 signature on the Declaration Envelope of
8 the ballot. There are 472 ballots in this
9 category.

10 COMMISSIONER DEELEY: I vote no
11 count.

12 COMMISSIONER SCHMIDT: I vote not
13 to count.

14 COMMISSIONER SABIR: I vote not to
15 count.

16 MR. DIETZ: Okay.

17 Category number two are ballots
18 where it appears that the voter did not
19 sign the Declaration Envelope.

20 COMMISSIONER DEELEY: How many of
21 those, Mr. Dietz?

22 MR. DIETZ: There are 225 ballots
23 in this category.

24 COMMISSIONER DEELEY: Thank you.

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1 I vote not to count.

2 COMMISSIONER SCHMIDT: I vote not
3 to count.

4 COMMISSIONER SABIR: I vote not to
5 count.

6 MR. DIETZ: Okay.

7 Category number three. There are
8 1,211 ballots in this category. This is a
9 category where the voter affixed their
10 signature to the Declaration Envelope, but
11 no other information was provided.

12 I should add that every ballot --
13 every ballot category I am going through
14 today was timely received by close of polls
15 on Election Day.

16 COMMISSIONER SCHMIDT: And how many
17 ballots are in this universe?

18 MR. DIETZ: 1,211 ballots.

19 COMMISSIONER DEELEY: Garrett, the
20 voters did sign -- there is a signature on
21 the Dec?

22 MR. DIETZ: Correct. The voter did
23 affix their signature.

24 COMMISSIONER DEELEY: I vote to

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1 count.

2 COMMISSIONER SCHMIDT: I vote not
3 to count.

4 COMMISSIONER SABIR: Garrett, can I
5 have a question.

6 Did the signatures match the list?
7 Did we check that?

8 MR. DIETZ: Per the directions from
9 the Department of State, we cannot verify
10 signatures against the system.

11 COMMISSIONER SABIR: I vote to
12 count.

13 MR. DIETZ: Okay.

14 Category number four. This is
15 where ballots were completed except for the
16 date of signature. So, the Declaration had
17 a signature. And they had the printed name
18 of the elector and the street address of
19 the elector.

20 COMMISSIONER DEELEY: And, Garrett,
21 how many of these ballots?

22 MR. DIETZ: 1,259 ballots.

23 COMMISSIONER DEELEY: And these
24 ballots were received timely?

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1 MR. DIETZ: Correct.

2 COMMISSIONER DEELEY: I vote to
3 count.

4 COMMISSIONER SCHMIDT: I vote not
5 to count.

6 COMMISSIONER SABIR: I vote to
7 count.

8 MR. DIETZ: Okay.

9 Category number five. Ballots in
10 this category were complete with signature,
11 date and street address and are missing the
12 printed name of the voter.

13 COMMISSIONER DEELEY: And how many
14 ballots were these, Garrett, in this
15 category?

16 MR. DIETZ: 533 ballots in this
17 category.

18 COMMISSIONER DEELEY: I vote to
19 count.

20 COMMISSIONER SCHMIDT: I vote to
21 count.

22 COMMISSIONER SABIR: I vote to
23 count.

24 MR. DIETZ: Category number six.

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1 Ballots in this category had the signature
2 of the voter as well as the date of
3 signature and the printed name of the
4 elector. It's missing the street address
5 of the voter.

6 COMMISSIONER DEELEY: And how many
7 of these were in this category?

8 MR. DIETZ: I should clarify when I
9 say missing street address, printed by the
10 voter specifically.

11 COMMISSIONER SCHMIDT: But the
12 street address is on the label?

13 MR. DIETZ: Correct. That's why I
14 wanted to make that distinction.

15 COMMISSIONER DEELEY: And,
16 Mr. Dietz, they are signed and dated?

17 MR. DIETZ: Correct.

18 COMMISSIONER DEELEY: And the
19 number?

20 MR. DIETZ: 860.

21 COMMISSIONER DEELEY: I vote to
22 count.

23 COMMISSIONER SCHMIDT: I vote to
24 count.

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1 COMMISSIONER SABIR: I vote to
2 count.

3 MR. DIETZ: Category number seven.

4 This is where the voter affixed
5 their signature to the Declaration Envelope
6 and provided the date of signing. However,
7 it is missing the printed name and the
8 street address specifically written in, in
9 hand, by the voter.

10 COMMISSIONER DEELEY: Garrett,
11 these ballots were received timely?

12 MR. DIETZ: Correct.

13 COMMISSIONER DEELEY: And the
14 number in this category?

15 MR. DIETZ: 4,466.

16 COMMISSIONER DEELEY: I vote to
17 count.

18 COMMISSIONER SCHMIDT: I vote to
19 count.

20 COMMISSIONER SABIR: So, these were
21 signed by the voter?

22 MR. DIETZ: Correct.

23 COMMISSIONER SABIR: I vote to
24 count.

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1 MR. DIETZ: Category number eight.
2 Ballots where the individual that
3 completed the Declaration appears different
4 than the elector who was assigned the
5 ballot. Using the label on the Declaration
6 Envelope to decide that.

7 There are 112 ballots in this
8 category.

9 COMMISSIONER DEELEY: Garrett, do
10 they indicate on this Declaration Envelope
11 a need for assistance?

12 MR. DIETZ: No.

13 COMMISSIONER DEELEY: Could you
14 repeat the number, please?

15 MR. DIETZ: 112.

16 COMMISSIONER DEELEY: I vote to not
17 count.

18 COMMISSIONER SCHMIDT: I vote not
19 to count.

20 COMMISSIONER SABIR: I vote to not
21 count.

22 MR. DIETZ: Category number nine.
23 Ballots that were not included in a
24 Secrecy Envelope.

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1 COMMISSIONER DEELEY: And, Garrett,
2 what is the number of ballots that did
3 not -- were not included in the Secrecy
4 Envelope?

5 MR. DIETZ: 4,027.

6 COMMISSIONER DEELEY: And were
7 those 4,027 received timely?

8 MR. DIETZ: Yes.

9 COMMISSIONER DEELEY: Were the Dec
10 Envelopes filled out accurately? Properly?

11 MR. DIETZ: It varies.

12 COMMISSIONER DEELEY: Thank you.

13 The naked ballot is a difficult one
14 for me. Since I have been a Commissioner,
15 we have always counted naked ballots.

16 I am aware of the recent Supreme
17 Court ruling concerning them and our
18 legislators failure to correct the matter.
19 I am pleased that the awareness campaign
20 leading up to the election, including the
21 work done by myself, Commissioners Sabir
22 and Schmidt. What we were expecting to be
23 tens of thousands of ballots became just
24 over 4,000.

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1 But still, these are 4,000
2 Philadelphia voters, 4,000 people who did
3 nothing wrong behind failing to put their
4 ballots into a second envelope. I cannot
5 with a good conscious count these.

6 I, therefore, vote no count.

7 COMMISSIONER SCHMIDT: I vote not
8 to count.

9 COMMISSIONER DEELEY: To count.
10 I'm sorry. I apologize. I read the wrong
11 thing. Let me correct myself.

12 I vote to count the 4,027 ballots
13 not enclosed in the Secrecy Envelope.

14 COMMISSIONER SCHMIDT: I vote not
15 to count.

16 COMMISSIONER SABIR: I vote not to
17 count.

18 MR. DIETZ: Okay.

19 That is all the categories I have
20 today.

21 COMMISSIONER DEELEY: This
22 business having con -- I'm sorry.

23 Does anybody have any New Business?

24 COMMISSIONER SCHMIDT: I have none.

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1 COMMISSIONER SABIR: I'd just like
2 to thank the Election Board Staff, the
3 Commissioners, the Deputies for the timely
4 hard work that leads to this election.

5 COMMISSIONER DEELEY: Thank you,
6 Commissioner Sabir.

7 The business having concluded, we
8 will stand in recess to the call of the
9 Chair.

10 (At this time, the Meeting
11 concluded at 9:12 a.m.)
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C E R T I F I C A T I O N

I, hereby certify that the proceedings
and evidence noted are contained fully and
accurately in the stenographic notes taken by me
in the foregoing matter, and that this is a
correct transcript of the same.

ANGELA M. KING, RPR,
Court Reporter, Notary Public

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of this transcript does not
apply to any reproduction of
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